

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA GEORGIA**

WILLIAM H. TURK,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION
	§	FILE NO.
	§	
REGAL NISSAN, INC.,	§	
	§	
Defendant.	§	

COMPLAINT

COMES NOW, WILLIAM H. TURK, Plaintiff in the above-style action and states claim against the Defendant as follows:

JURISDICTION AND VENUE

1.

That the Defendant Regal Nissan Inc. is a Georgia Corporation duly licensed and actively doing business in the State of Georgia, service may be perfected upon this Defendant through its registered agent for service that being Larry S. Bryant, 3453 Lawrenceville Suwanee Road, Suite C, Suwanee, Georgia 30024-6507.

2.

That this complaint alleges violations of the Federal Fair Labor Standards Act 29 USCS § 201 et seq.

3.

That the Defendant is engaged in interstate commerce and is subject to the Federal Fair Labor Standards Act 29 USC § 201 et seq.

4.

All parties reside within the Northern District of Georgia, Atlanta Division

5.

This Honorable Court has jurisdiction pursuant to 28 USC 1331.

STATEMENT OF THE FACTS GIVING RISE TO THIS ACTION

6.

That the Plaintiff was employed by the Defendant from October 8, 2007 until March 20, 2009.

7.

That at all times during his employment Plaintiff was an hourly rate employee, he was supposed to work a forty (40) hour per week schedule. Plaintiff's rate of pay was Twelve (\$ 12.00) Dollars per hour.

8.

That the Plaintiff consistently was required to work more than forty (40) hours per week .

9.

That during the course of his employment, Plaintiff worked a total of 4622.85 hours.

10.

Of the aforementioned total number of hours worked by the Plaintiff, 1618.56 hours were overtime hours worked in excess of 40 hours during the work week period.

11.

Defendant paid the Plaintiff at only the base rate of Twelve (\$ 12.00) per hour irregardless of the number of hours worked in any pay period.

12.

Plaintiff's time records do not include lunch periods or coffee breaks, since the Plaintiff was not allowed either.

13.

Plaintiff made inquires about the failure to pay overtime, and was told by his supervisor that the Defendant did not pay overtime because it did not have to.

14.

After asking about why he was not paid overtime, Plaintiff's employment was terminated allegedly for poor work performance.

CAUSE OF ACTION

15.

Plaintiff re-alleges and incorporates into this Cause of Action the preceding paragraphs 1-14.

16.

That pursuant to 29 USC § 207(a) (1) the employer is required to compensate the Plaintiff for hours in excess of forty hours per week at a rate of not less than one and one half times, the regular rate at which he is employed.

17.

That, notwithstanding the aforesaid provisions of the law, the Defendant has wilfully and maliciously refused to pay the overtime hours at any rate other than the regular hourly rate.

18.

As a direct and proximate result of the actions of the Defendant, the Plaintiff has suffered damages.

19.

The actions of the Defendant are wilful, wanton and done with a conscious disregard for the consequences.

20.

The Plaintiff is entitled to an award of attorney's fees and costs pursuant to 29 USC § 216 (b).

21.

That the Plaintiff is entitled to damages for the unpaid overtime compensation and for additional compensation equal to the unpaid overtime compensation as liquidated damage pursuant to 29 USC § 216.

Wherefore Plaintiff prays that:

A. That he be awarded judgment against the Defendant.

B. That he be awarded compensatory damages for unpaid overtime in the amount of \$9,711.36, together with interest thereon until the date of judgment.

C. That he be awarded liquidated damages pursuant to 29 USC § 216 (b) equal to the unpaid overtime damages.

D. That he be awarded reasonable attorney's fees and costs of this action.

E. That such other and further relief as the Court deems meet and proper.

This 17th day of March, 2011.

Respectfully Submitted,

S/Clifford H. Hardwick

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